

REMARKS

This communication is being filed in response to the Notice to File Missing Parts mailed June 30, 2004. Applicants have submitted a copy of the Abstract of the Disclosure as submitted with the originally filed application. Applicants also enclosed the Return Receipt Postcard included with the filing and received from the Office on March 4, 2004. The Return Receipt Postcard indicates that 52 pages of specification were received by the Office, which includes the Abstract of the Disclosure, which is on page 52 of the specification.

Applicants have submitted replacement drawings for Figures 1A, 2B and 4. Applicants believe these drawings are in compliance with 37 C.F.R. 1.84 and 37 C.F.R. 1.121 as required and respectfully request that these Figures replace the previously submitted figures. Applicants assert that no new matter has been introduced by these figures and request that they be entered and considered.

Applicants acknowledge that the Notice indicated that Figure 9C was omitted from the application. Applicants elect not to take action pursuant to options (I) or (II) as stated on page 2 of the Notice. Applicants will amend the specification by preliminary amendment to correct the specification and any drawings.

The Notice required the replacement of the compact discs that were submitted as failing to comply with 37 C.F.R. 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files was required. Applicants have converted the originally submitted five .wav binary (non-ASCII) files into .txt hexadecimal (ASCII) files. Please replace the previously filed compact discs with the attached compact discs. Applicants have also attached a separate sheet entitled, "Transmittal of Computer Program Listing Appendix on Compact Disc (37 C.F.R. 1.52(e)(1)(i))," which marks the directory listing of the files on the compact discs.

The following is Applicants' statement certifying as required by 37 C.F.R. 1.52(e) that each disc is identical to the other discs in the set.

STATEMENT REGARDING SUBSTITUTE COMPACT DISCS

Applicants assert that the two compact discs containing audio files submitted herewith are identical to each other. The attached substitute copies are labeled "Copy 1 Replacement" and "Copy 2 Replacement." Applicants note that the tracks are named differently but certify that each of the currently submitted ASCII files is a true conversion of the non-ASCII files originally submitted as follows:

Track 1: NER02150029.wav is now **track 1 gI10-34_78-av31-deriv51-RIAA-mcm_hex.txt**

Track 2: NER0FD04823.wav is now **track 2 Irene-from-rec-19-2_hex.txt**

Track 3: NER1B6918BE.wav is now **track 3 Irene-from-CD-2_hex.txt**

Track 4: NER26C36784.wav is now

track 4 Cylinder1001x36000shapemin_tb96kHz_fltder5k_samp20k_.txt

Track 5: NER34414AE1.wav is now **track 5 JB-from-CD-clip-2-raw_hex.txt**

Applicants assert that the attached replacement discs do not include any new matter as required by 37 C.F.R. 1.52(e)(4). Applicants request that the replacement discs be entered.

CONCLUSION

Applicants respectfully request that the attached abstract of the disclosure, replacement drawings and replacement compact discs be entered and considered. Applicants also have elected not to take action regarding the omitted figure but will submit a preliminary amendment.

A fee of \$65 is believed due in the late filing of the Oath or Declaration. No fees are believed due for the filing of the replacement discs and drawings. Please charge fees in accordance with the fee calculation sheet enclosed in duplicate. Please charge any necessary and additional fees that may be due to Deposit Account No. 120690.

Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned at (510)495-2456.

Dated 30 August 2004

Respectfully submitted,
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